

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**SETH HULETT and PEOPLE OF  
HOMELESS ENCAMPMENT,**

Plaintiffs,

v.

**CITY OF DALLAS and PEOPLE  
PUTTING UP FENCE,**

Defendants.

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Civil Action No. **3:18-CV-970-L**

**ORDER**

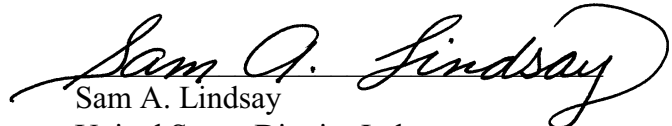
On October 21, 2019, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) were entered (Doc. 15), recommending that the court dismiss without prejudice this action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order. No objections to the Report were filed.

Having considered the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses without prejudice** this action under Rule 41(b) for failure to prosecute and comply with a court order.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiffs may challenge this certification by filing a separate motion to proceed

*in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 27th day of November, 2019.

  
Sam A. Lindsay  
United States District Judge